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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,345	06/14/2007	Takashi Inubushi	09867/0204692-US0	5514
7278	7590	12/30/2008		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER JONES, MARCUS D	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 12/30/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,345	Applicant(s) INUBUSHI ET AL.	
	Examiner Marcus D. Jones	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The amendment filed on 6 October 2008 in response to the previous Non-Final Office Action (22 May 2008) is acknowledged and has been entered.

Claims 1-4 are currently pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishihara et al. (US PGPub 2002/0028710).

In reference to claim 1, Ishihara discloses: A card game system for playing a battle game in which a character which in an operation target of a player and an

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opponent make an attack on each other based on information recorded in a card, the card game system comprising: a reading device configured to read the information recorded in the card (pg 4, par 41; *The data reader reads the individuality expressing data recorded in the information recording area of the game card*); a character information storage device configured to store character information that is information above offensive abilities of the character in association with character identification information for identifying a type of the character (pg 1, par 10; *A character figure and ability data is printed on the surface of the game card*); an attack content information storage device configured to store information about a degree of difficulty of an attack content of the attack and attack information including a magnitude of the attack on the opponent made according to the attack content in association with attack content identification information for identifying a type of the attack content (pg 3, par 28; *ability data: character name, weapons or magic, physical strength, etc.*); a control information storage device configured to store attack control information set based on the information about the offensive abilities and the information about the degree of difficulty in association with the character identification information and the attack content identification information (pg 3, par 29; *The individuality expressing data is stored on the game card which include discrimination codes of the character or ability data text data explaining tricks, weapons and features*); a character setting device configured to set when the character identification information stored in the card is read by the reading device, the character identification information as the operation target (pg 1, par 10; *identification code of character and individuality expressing data for expressing*

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individual characteristics); an attack control device configured to read, when the attach content identification information stored in the card is read by the reading device after the character identification information is set by the character setting device, the attack control information associated with the attach content identification information and the character identification information set as the operation target from the control information storage device, to read the magnitude of the attach associated with the attach content identification information from the attack content information storage device, and to control the magnitude of the attach based on the attack control information (pg 5, par 45); a result device configured to obtain a status result that can influence the opponent according to the magnitude of the attach controlled by the attack control device (pg 4, par 43; *CPU changes the movement or action of the character*); a control information update device configured to read, when the specific conditions corresponding to the character identification information and the attack content identification information are satisfied, the attack control information associated with the character identification information and the attack content identification information corresponding to the specific condition, and to update the content of the attack control information to the changed content of the attack control information (pg 4, par 36-37; *writable/readable memory within the IC chip and a data reader/writer writes to the IC game card*).

In reference to claim 2, Ishihara discloses: wherein the attack control device controls the magnitude of the attack based on the attack control information when the attack content identification information recorded in the card is read within a specific

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time during the battle game (pg 5, par 44; *The CPU executes the inherent game program on the basis of the first program and executes the second program using the individuality expressing data*).

In reference to claim 3, Ishihara discloses: wherein the control information update device changes a degree of a change of the attack control information in the case that the specific conditions are satisfied, based on the obtained content of the attack control information (pg 5, par 45; *where the individuality expressing data is data for improving the ability of a character, a process for enhancing the ability of the character is executed rather than the game processing based only on the first game program*).

In reference to claim 4, Ishihara discloses: wherein the control information update device updates a content of the information about the offensive abilities stored in association with the character identification information corresponding to the specific conditions when the specific conditions are satisfied, and the control information update device obtains the attack control information, based on the updated content of the information about the offensive abilities and on the information about the degree of difficulty stored in association with the attack content identification information corresponding to the specific conditions, and updates the content of the attack control information stored in association with the character identification information and the attack content identification information corresponding to the specific conditions to a content of the obtained attack control information (pg 4, par 36-37; *CPU reads/writes game data to RAM*).

Response to Arguments

3. Objections with respect to claim 1 are hereby withdrawn.
4. Applicant's arguments with respect to claim 3 addressing the 35 U.S.C. 112 issues have been considered. Rejection under 35 U.S.C.112 is hereby withdrawn.
5. Applicant's arguments have been fully considered but they are not persuasive.
6. With respect to claim 1, Applicant asserts that, Ishihara lacks "a characteristic feature of the present invention as described in claim 1 is that the attack content information storage device is prepared independently of the character information storage device and the attack content information stored in the attack content information storage is independent of any character information." The Applicant further asserts that the present invention requires two or more separate game cards.
7. The Examiner respectfully disagrees.
8. Ishihara discloses an ability data recording area and an information recording area for recording individuality expressing data (pg 2-3, par 27). The ability recording area is an area for displaying in letter, symbols etc. of a character depicted in the display area (pg 3, par 28). The information recording area is formed along the edge of the game card (pg 3, par 29). Thus, the character and ability information is stored separately and independently on one another. As claimed, the present invention does not specify that the attack content information storage device, the character information storage device and the attack content information stored in the attack content information storage are physically separated. The Applicant is invited to point out the specific limitation in claim 1 which requires more than one game card.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus D. Jones whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John M. Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/
Examiner, Art Unit 3714

/John M Hotaling II/
Supervisory Patent Examiner, Art
Unit 3714